



## UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of :  
Bok, et al. :  
Application No. 09/449,034 : LETTER REGARDING  
Filed: November 24, 1999 : PATENT TERM ADJUSTMENT  
Atty Docket No. 4865-49.1 :

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT" filed March 27, 2006. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The request for correction of the initial determination of patent term adjustment (PTA) is ***Dismissed for failure to pay the \$200.00 fee required under 37 CFR 1.705(b)(1)***. Applicants timely filed the request for review. Applicants believed that the time for PTA may have been too much, however, upon review applicants may not have been granted enough PTA. Applicant did not submit the petition fee. **Applicants are given 30 days to respond to this decision. No extensions of time will be granted under 37 CFR 1.136.**

Applicant did receive time for a successful appellate review pursuant to 37 CFR 1.702(e) in the amount of 536 days.

A review of the determination notes that following:

(1) A review of the prosecution history of this case reveals that a CPA was filed on March 18, 2002, thus making this application eligible for patent term adjustment. At the time of allowance, an adjustment of 192 days could be attributed to the Office.

An adjustment of 36 days could be added to applicant in accordance with 37 CFR 1.702(a)(5) in connection with the Notice of Allowance mailed November 2, 2004. The adjustment began September 28, 2004, the day after the date that is four months after the date that a final decision was rendered by the BPAI, and ended November 2, 2004, the date the Notice of Allowance was mailed.

(2) A further adjustment of 156 days could be added to applicant in accordance with 37 CFR 1.702(a)(2) in connection with the non-final rejection mailed August 26, 2005. The adjustment began March 23, 2005, the day after the date that is four months after the RCE was filed, and ended August 26, 2005, the date the non-final rejection was mailed.

(3) The adjustment is reduced a total of 28 days for applicants' failure to engage in reasonable efforts to conclude prosecution in accordance with 37 CFR 1.704(b). The reduction began July 17, 2002, the date after the date that is three months after the date the April 16, 2002 non-final rejection was mailed, and ended August 13, 2002, the date a response to the non-final rejection was filed.

The patent term adjustment noted at the time of the issuance of the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application is being directed to the Office of Patent Publication for processing into a patent. The application is, thereby, forwarded to the Office of Patent Publication for issuance of a patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

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